

RECEIVED  
CENTRAL FAX CENTER  
JUN 06 2008

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

**Remarks/Arguments:**

Prior to addressing the Office Action, Applicant respectfully reminds the Examiner that the present application has been pending since December 19, 2000, and has been the subject of six Office Actions (including the present Office Action) and two appeals. Applicant further respectfully reminds the Examiner of section 707.02 of the MPEP: Applications Up for Third Action and 5-Year Applications [R-2]. Specifically that under MPEPE 707.02: the supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them; the supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office Action with a view to finally concluding its prosecution and that any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the Examiner.

Hence, as the present application has been pending for more than seven years and has been the subject of six Office actions, Applicant respectfully requests that the Examiner consider the present application to be "special".

Claims 1-14, 16, 18-29, 31 and 32 are currently pending. Claims 15, 17 and 30 have been cancelled. Claims 31 and 32 are new. Claims 1, 12, 13, 14, 16, 27, 28 and 29 are independent. Claims 1, 12, 13, 14, 16, 27, 28 and 29 have been amended for better presentation, and claims 31 and 32 have been added to define additional features. Claim 17 has been cancelled. Claims 1, 12, 13, 14, 16, 17, 18 and 29 are independent.

Support for the amendments to claims 1, 12, 13, 14, 16, 27, 28 and 29 may be found in the specification and drawings as originally filed, as follows:

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

Page 2, lines 9 and 14, and Figure 2 (establishing voice communication sessions between telephony devices);

Page 2, lines 10, 18-19, Page 3, lines 20-21, Page 5, lines 11-14 (indicator have an active and inactive state);

Page 2, lines 6-21 (active state of indicator indicating availability to initiate a work-share environment);

Page 2, line 14 (maintaining a voice connection); and

Page 5, lines 15-20 (phone proxy).

#### **Section 101 Rejection**

The Examiner has rejected claims 14 and 29 under 35 USC 101, as failing to fall within a statutory category of invention. In response, claims 14 and 29 have been amended to claim "An article of manufacture comprising: a computer storage medium having computer readable program code embodied therein". In addition, paragraph 40 of the specification has been amended to clarify that a signal comprises a storage medium. In an Interview Summary dated May 22, 2008, the Examiner concedes that such amendments would overcome the rejection under 35 USC 101. Hence, for at least these reasons, the rejection of claims 14 and 29 under 35 USC 101 has been overcome. Applicant respectfully requests withdrawal of the Section 101 rejection to claims 14 and 29.

#### **Section 103 Rejections**

The Examiner has further rejected claims 1-14 and 16-29 under 35 USC 103(a) as being obvious over Johnson et al (US Pat No: 5,761,420) ("Johnson") in view of Hagyuda (JP 10133984) ("Hagyuda").

It is respectfully suggested that for at least the reasons set out hereafter, the amendments overcome the Examiner's rejection based on 35 USC 103, since neither Johnson nor Hagyuda, alone or in combination, teach suggest or motivate a person of skill in the art towards all the elements as recited by Applicant.

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

Johnson discloses a method and apparatus that enables modification of a document via telephone. In Johnson, one user is defined as a Driver and another user is defined as a Passenger. Voice communication is established via a speaker phone, such that each telephone can hear each other (column 5, lines 44-48, and Figures 1 and 5). The Driver determines the changes to be made to the document, and the changes are reflected in both versions of the document displayed to the Driver and Passenger. In Johnson, it is necessary for the Driver and Passenger to use the same collaboration application program resident at their individual computers (see step 104 of Figure 5), with each user invoking a collaboration application program referred to as a keyboard interception terminate and stay resident ("KITSR") program (see column 5, lines 50-55, and Figure 5, step 104) at their individual computers.

Column 5, lines 44-60 and Figure 5 set forth a method of invoking and terminating the collaborative session of Johnson. First, the two users establish speaker phone communication (step 100). At step 102, both users execute editor applications. At step 104, both users invoke the KITSR program. Clearly, there is no teaching or suggestion of any "collaborate control program associated with each of said at least two integrated computer telephony devices for detecting commonly supported ones of said collaboration application programs when said at least two integrated computer telephony devices are engaged in a voice communication session" as claimed. Rather, Johnson relies solely on the users knowing that the KITSR program is common to their individual computers. Indeed, the Examiner concedes that Johnson does not describe the indication of compatible collaborative software in depth.

Hagyuda discloses a method of determining whether a first terminal has any application capabilities in common with a second terminal. If so, an icon of the common application

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

software is displayed on a display device. Hagyuda is specifically directed towards determining common application capabilities such that data created during a "meeting between remote places" can be edited at both terminals "after the end of the meeting" (see section titled "[Problem to be solved by the invention]" on page 4). There is no teaching of setting up a collaborative session during a voice call, and further no teaching of how addresses of the terminals are to be determined.

Turning now to the feature of the indicator, as recited by Applicant. The Examiner asserts that Johnson discloses "an indicator on at least one of said integrated telephony devices; and a collaborate control program associated with each of said at least two integrated computer telephony devices for detecting commonly supported ones of said collaboration application programs and in response activating said indicator". In doing so, the Examiner equates the display screens of workstations 46X and 46Y of Figure 2 in Johnson with an indicator as claimed in the present application.

As set forth in applicant's specification, particularly in paragraph 25, the claimed indicator has an active state and an inactive state, the indicator being in an active state if commonly supported ones of said collaboration application programs are detected, and the indicator being in an inactive state otherwise. Furthermore, the indicator in the active state indicates "availability to initiate a collaborative work-share environment upon launching said at least one common collaboration application program".

By way of contrast, the screens of Johnson, in their active state merely indicate that they are on, and in their inactive state merely indicate that they are off. There is absolutely no suggestion of indicating "availability to initiate a collaborative work-share environment upon launching said at least one common collaboration application program".

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

Furthermore, Johnson does not disclose an indicator on at least one of said integrated telephony devices. Rather, even if the screens of Johnson were erroneously equated with the indicator as presently claims, the screens are located at each computer and not at the telephones.

The Examiner further asserts that the icons taught in Hagyuda are equivalent to the claimed indicator. However, the icons of Hagyuda have only one state as each icon specifically represents a particular common application, and if there is no common application, no icon appears. Further, the presence of an icon is not associated with "availability to initiate a collaborative work-share environment upon launching said at least one common collaboration application program". Rather, the icons of Hagyuda merely represent presence of a given common application such that data created during a "meeting between remote places" can be edited at both terminals "after the end of the meeting".

Furthermore, there are no telephony devices disclosed in Hagyuda whatsoever, and hence Hagyuda cannot disclose "an indicator on at least one of said integrated telephony devices" as claimed in the present application.

Hence, in an effort to further distinguish from Johnson and Hagyuda, claim 1 has been amended to clarify "said indicator having an active state associated with the presence of at least one common collaboration application program between said at least two integrated computer telephony devices, said indicator further having an inactive state associated with at least a lack of at least one common collaboration application program between said at least two integrated computer telephony devices;" and further that "said collaborate control program enabled for activating said indicator to said active state, in response to said detecting, thus indicating availability to initiate a collaborative work-share environment upon launching said at least one common collaboration application program".

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

Having regard to launching a collaboration application control program, Johnson requires the users to have prior knowledge of common programs (e.g. KITSR), and then manually launch the common programs. There is no teaching or suggestion of a collaboration application control program that controls the launching of the detected collaboration application programs. Hagyuda neither teaches nor suggests the launching of any common program. Rather, Hagyuda is directed solely towards detection of a common application, in the event that data needs to be edited after termination of a communication session (i.e. there is no "collaborative work-share environment" while the "telephony devices are engaged in a voice communication session", as presently claimed.

As discussed above, having regard to establishing communication sessions, Johnson relies on one of the users having prior knowledge of the other user's telephone number, with communications proceeding via speakerphone mode (see Figure 1). In establishing a communication session between the terminals of Hagyuda, it is assumed that at least one of the terminals is already capable of establishing the communication session. In other words, there is no teaching in Johnson, Hagyuda, whether considered alone or in combination, of how to establish communications, other than via prior knowledge of users' telephone numbers and/or terminals. If a new terminal/user is to be communicated with, neither Johnson nor Hagyuda could determine the address of the new terminal/user without prior knowledge being established.

By way of contrast, amended claim 1 includes the limitation of "a phone proxy for determining addresses of said at least two integrated computer telephony devices and notifying said collaborate control program of said addresses". Hence, when two telephony devices are engaged in a voice communication session, and it is then desired to launch a collaborative session between two computers associated with the two telephones, while maintaining the voice communication session, the phone proxy determines the addresses of the computers

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

("said at least two integrated computer telephony devices"). This can be accomplished, for example, based on establishment of the voice communication session and/or the association, and provides the addresses to the collaborate control program. Communication is thus automatically established with specific prior knowledge of the user/terminal etc. Specifically, information from the already-established voice communication session is conveniently used.

By way of further contrast, amended claim 1 further includes the limitation of "an indicator on at least one of said integrated computer telephony devices, said indicator having an active state associated with the presence of at least one common collaboration application program between said at least two integrated computer telephony devices, said indicator further having an inactive state associated with at least a lack of at least one common collaboration application program between said at least two integrated computer telephony devices". Hence, when users are engaged in a voice communication session (e.g. via the integrated telephony devices), the indicator being in an active or inactive state indicates "the presence of at least one common collaboration application program between said at least two integrated computer telephony devices ... such that activating indicator to said active state indicates availability to initiate a collaborative work-share environment upon launching said at least one common collaboration application program", as further claimed in claim 1.

As each of independent claims 12, 13, 14, 16, 18 and 29 have been amended to include at least one limitation of claim 1, each of which distinguish over the prior art for at least the reasons set forth above, and similar arguments apply.

Furthermore, in an Interview Summary of May 22, 2008, the Examiner concedes that independent claims which include the "limitation of the indicator being located on the phone...would overcome the prior arts". As each amended independent presently includes a similar limitation, each independent claim now distinguishes over the prior art. The Applicant

RECEIVED  
CENTRAL FAX CENTER

JUN 06 2008

Appl. No. 09/740,221

Amdt. dated June 6, 2008

Reply to Office Action of February 8, 2008

disagrees, however, with the Examiner's statement that in "such a scenario a new search would have to be performed". Rather, Applicant takes the view that since the amended claims restrict the previously searched claims by virtue of an additional element, there is no need for a new search.

Hence, for at least these reasons, retraction of the rejection under 35 USC 103 is respectfully requested. Applicant believes that this application is now in condition for allowance. To the extent that any issues remain to be resolved, however, Applicant requests that the Examiner contact the undersigned to resolve these issues.

Respectfully submitted,  
Mitel Networks Corporation

Date:

June 6, 2008

By:

Michelle R. Whittington

Michelle R. Whittington, Esq.  
Corporate IP Counsel  
Reg. No. 43,844

**MITEL NETWORKS CORPORATION**

7300 W. Boston St.

Chandler, AZ 85226

Direct: (480) 961-9000 x21352

Facsimile: (480) 961-8073

Email: michelle\_whittington@mitel.com